

WAPOR Statement on Chilean Ban on Polls

LINCOLN, NE (USA), June 28, 2017 — It is only recently that pollsters in Chile realized that new legislation had passed a year ago that bans the publication of opinion polls on voting intentions during the fifteen days prior to the election day. Article 32 Ter included in Law 18700 is the first attempt in the country to ban public opinion polls before elections. The primary election that takes place on July 2nd will be the first election where a ban on the publication of polls is enforced.

WAPOR rejects any legislation that unduly restricts the freedom to conduct and to publish public opinion polls, as they are important to civil discourse in open societies. Legislation that restricts the publication of poll results is usually based on the assumption that poll results may influence voting preferences. However, scientific research shows that polls are read by interested voters who want to know the state of public opinion regarding a given topic or election. Scientific opinion polls provide important information in an objective way, which otherwise would not be available.

Even more important, when they are used, bans on the publication of polls tend to produce a worse situation than the one they aim at preventing. Polls are conducted anyway and they can be published outside of the country where the ban is in force. Rumors circulate concerning the results of these polls or of fake polls that have not even been conducted. This situation occurred in recent elections in France and Tunisia. Since the polls are not in the public domain, there is no transparency and it is impossible to assess the quality of their methodology or to independently check the full results. This is why legislation that restricts the publication of poll results goes against the global trend, which has been to reduce the length of bans to its minimum, i.e., from no ban to 24-hour bans, as WAPOR has documented in its Report on Freedom to Publish Polls in the world: <http://wapor.org/freedom/>.

WAPOR recommends that Chilean legislators and election authorities reconsider the restriction on the publication of opinion polls results. Public opinion polls offer valuable information in a democratic and free society, whereas its restriction contributes to an unequal access to information and potentially misinformation. In addition, bans hamper the possibility to improve polls by restricting research that compares the performance of election poll with election results.

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